

REMARKS

Claims 1-5, 7-11, 13-15 and 17-26 were presented for examination and claims 1-5, 7-11, 13-15 and 17-26 were rejected. Applicants note with appreciation the Examiner's indication of allowable subject matter in claims 4, 5, 10, 11, 13-15, 20, 21, 25 and 26. In the present amendment, claims 1, 2, 3, 5, 7, 8, 9, 11, 13, 15, 17, 21, 22 and 26 are amended and claims 4, 10, 20 and 25 are canceled. No new matter has been introduced. Upon entry of the present amendment, claims 1-3, 5, 7-9, 11, 13-15, 17-19, 21-24 and 26 will be currently pending in this application. Applicants submit that claims 1-3, 5, 7-9, 11, 13-15, 17-19, 21-24 and 26 are in condition for allowance.

The following comments address all stated grounds of rejection. Applicants respectfully traverse all rejections and urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

Information Disclosure Statement

The Examiner objects to the number of references submitted via the First Supplementary Information Disclosure Statement (IDS) on June 3, 2008. Applicants submit that the IDS was filed in compliance with rules § 1.56, § 1.97 and § 1.98. Under these rules, Applicants are not required, and respectfully declines, to include an explanation of relevance as requested by the Examiner. Accordingly, Applicants resubmit the First Supplementary IDS of June 3, 2008, and request the Examiner to consider all the listed references as required by the rules. In addition, a Second Supplementary IDS citing five patent references is submitted with this response in compliance with rules § 1.56, § 1.97 and § 1.98.

CLAIM REJECTIONS UNDER 35 U.S.C. §101**I. Claims 15 and 17-26 Rejected Under 35 U.S.C. §101**

Claims 15 and 17-26 are rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. The Examiner contends that the systems of claims 15 and 17-26 comprise only software not embodied in tangible form and thus are non-statutory. Applicants traverse the rejection. Applicants hereby cancel claims 20 and 25, mooted the rejections with respect to these claims. Claims 15, 17 and 22 are independent. Claims 18, 19 and 21 depend on and incorporate all the patentable subject matter of independent claim 17. Claims 23, 24 and 26 depend on and incorporate all the patentable subject matter of independent claim 22. Applicants submit that claims 15, 17-19, 21-24 and 26, as amended, are directed to statutory subject matter.

Under the “machine-or-transformation” test of *In Re Bilski* (“*Bilski*”), claimed subject matter is patentable under 35 U.S.C. §101 if “(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.” Claims 15, 17-19, 21-24 and 26, as amended, are directed to a system including at least one of: a message filter configured on a device, and a learning engine configured on the device. As such, the system is directed to a particular machine and is therefore statutory subject matter.

Because independent claims 15, 17 and 22 are directed to a particular machine, Applicants submit that independent claims 15, 17 and 22 are patentable subject matter under 35 U.S.C. §101. Therefore, dependent claims 18, 19, 21, 23, 24 and 26 are also patentable subject matter under 35 U.S.C. §101. Accordingly, Applicants request the Examiner to withdraw the rejection of claims 15, 17-19, 21-24 and 26 under 35 U.S.C. §101.

CLAIM REJECTIONS UNDER 35 U.S.C. §103**II. Claims 1-3, 7-9, 17-19, and 22-24 Rejected Under 35 U.S.C. §103**

Claims 1-3, 7-9, 17-19, and 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,272,853 to Goodman et al. (“Goodman”) and further in view of U.S. Patent No. 7,461,336 to Abramson et al. (“Abramson”). Applicants traverse the rejection. Applicants submit that Goodman and Abramson, alone or in combination, fail to teach or suggest each and every element of the claimed invention, as amended. Upon entry of the current amendment, Applicants submit that claims 1-3, 5, 7-9, 11, 13-15, 17-19, 21-24 and 26 are patentable and in condition for allowance.

Applicants hereby amend independent claims 1, 7, 13, 15, 17 and 22 to incorporate the allowable subject matter indicated by the Examiner, mooted the rejections with respect to these claims. In particular, allowable subject matter in claim 4 has been incorporated into independent claim 1, allowable subject matter in claim 10 has been incorporated into independent claim 7, allowable subject matter in claim 20 has been incorporated into independent claim 17, and allowable subject matter in claim 25 has been incorporated into independent claim 22. Therefore, claims 1, 7, 13, 15, 17 and 22, as amended, are in independent form and incorporate the allowable subject matter identified by the Examiner. Claims 2-3 and 5 depend on and incorporate all the patentable subject matter of independent claim 1, as amended. Claims 8-9 and 11 depend on and incorporate all the patentable subject matter of independent claim 7, as amended. Claim 14 depends on and incorporates all the patentable subject matter of independent claim 13, as amended. Claims 18-19 and 21 depend on and incorporate all the patentable subject matter of independent claim 17, as amended. Claims 23, 24 and 26 depend on and incorporate all the patentable subject matter of independent claim 22, as amended. Therefore, dependent

claims 2, 3, 5, 8, 9, 11, 14, 18, 19, 21, 23, 24 and 26 incorporate the allowable subject matter identified by the Examiner.

For the reasons discussed above, Applicants submit that each of the pending claims 1-3, 5, 7-9, 11, 13-15, 17-19, 21-24 and 26 incorporates allowable subject matter indicated by the Examiner, and thus are patentable and in condition for allowance. Accordingly, Applicants request the Examiner to withdraw the rejection of claims 1-3, 7-9, 17-19, and 22-24 under 35 U.S.C. §103 and to allow each of the pending claims.

CONCLUSION

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

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